

3. A bona fide charitable or nonprofit organization which receives, in good faith, donated food for ultimate distribution to needy individuals either for free or for a nominal fee is not subject to criminal or civil liability arising from the condition of the food, if the charitable or nonprofit organization reasonably inspects the food at the time of donation and at the time of distribution and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a charitable or nonprofit organization if damages result from the negligence, recklessness, or intentional misconduct of the charitable or nonprofit organization or if the charitable or nonprofit organization has or should have had actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

4. The immunity provided by this section is applicable to the good faith donation of canned or perishable food or farm products not readily marketable due to appearance, freshness, grade, surplus or other considerations, but does not apply to canned goods that are defective or cannot be otherwise offered for sale to members of the general public. This does not restrict the authority of a lawful agency to otherwise regulate or ban the use of such food for human consumption. Charitable or nonprofit organizations which regularly accept donated food for distribution pursuant to this section shall request the appropriate local health authorities to inspect the food at regular intervals.

5. A person, including an employee or volunteer for a charitable or nonprofit organization, who sells, or offers to sell, for profit, food that the person knows to be donated pursuant to this section is guilty of a simple misdemeanor. For purposes of this subsection, the assessment of a nominal fee or request for a donation by the charitable or nonprofit organization is not a sale.

Approved May 10, 1982

CHAPTER 1169

EXAMINATION AND APPOINTMENT OF DEPUTY ASSESSORS

S.F. 2186

AN ACT relating to the examination and appointment of deputy assessors.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 441.10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Immediately after the appointment of the assessor, and at other times as the conference board directs, one or more deputy assessors may be appointed by the assessor. Appointments shall be made only from the list of eligible candidates provided by the director of revenue. The list of eligible candidates shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue. Each appointment shall be made from either the list of eligible candidates provided by the director of revenue, which shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue, or the list of candidates eligible for appointment as city or county assessor.

Examinations for the position of deputy assessor shall be conducted in the same manner as examinations for the position of city or county assessor. The applicable provisions of section 441.5 regarding the register of names shall also apply to the list of eligible candidates established under the provisions of this section.

Approved April 30, 1982

CHAPTER 1170
ETHANOL BLENDED FUELS
S.F. 2091

AN ACT relating to motor vehicle fuel, including provisions relating to ethanol blended motor vehicle fuel, and increasing the rate of the excise tax on gasohol, effective upon publication.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 214A.2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Gasoline shall not contain a mixture of more than thirteen percent ethanol.

Sec. 2. Chapter 214A, Code 1981, is amended by adding the following new section:

NEW SECTION. Any retail dealer who sells or holds for sale motor vehicle fuel containing ethanol shall conspicuously post upon any container or pump from which the motor fuel is being sold, a two inch by six inch notice with letters at least one-half inch high stating "ethanol blend".

Sec. 3. Section 324.3, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 2, section 7, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of thirteen cents per gallon beginning September 1, 1981 is imposed upon the use of all motor fuel used for any purpose except motor fuel containing at least ten percent alcohol distilled from agricultural products grown in the United States for the period beginning July 1, 1978 and ending June 30, ~~1983~~ 1986 and except as otherwise provided in this division. The tax shall be paid in the first instance by the distributor upon the invoiced gallonage of all motor fuel received by the distributor in this state, within the meaning of the word "received" as defined in this division, less the deductions authorized. Thereafter, except as otherwise provided, the per gallon amount of the tax shall be added to the selling price of every gallon of such motor fuel sold in this state and collected from the purchaser so that the ultimate consumer bears the burden of the tax; provided that tax shall not be imposed or collected under this division with respect to the following:

Sec. 4. Section 324.3, unnumbered paragraph 3, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 2, section 9, is amended to read as follows: